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APPLICATION NO. FI		NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/844,083	04/	27/2001	Oliver Nickel	Beiersdorf 721-KGB	9696	
27384	7590	09/10/2004		EXAMINER		
KURT BRI NORRIS, M		IN & MARCUS, P	CHANG, VICTOR S			
220 EAST 42ND STREET, 30TH FLOOR				ART UNIT	PAPER NUMBER	
NEW YORK	, NY 100	17		1771		

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			$C \cap C$				
	Application No.	Applicant(s)	7.6				
Office Action Summan	09/844,083	NICKEL, OLIVER					
Office Action Summary	Examiner	Art Unit					
The MAN INC DATE of the second of	Victor S Chang	1771					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	iress				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this cor D (35 U.S.C. & 133).	nmunication.				
Status							
1)⊠ Responsive to communication(s) filed on 11 Au 2a)□ This action is FINAL. 2b)⊠ This 3)□ Since this application is in condition for allowant closed in accordance with the practice under E	action is non-final. ice except for formal matters, pro		merits is				
Disposition of Claims							
4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-20 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers							
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9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Exa							
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign a a) All b) Some * c) None of: 1. Certified copies of the priority documents 	***	-(d) or (f).					
2. Certified copies of the priority documents		on No					
3. Copies of the certified copies of the priori	• •		tage				
application from the International Bureau			augo				
* See the attached detailed Office action for a list of		d.					
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Dai 5) Notice of Informal Pa 6) Other:	te	152)				

DETAILED ACTION

Introduction

- 1. The Examiner has carefully considered Applicants' amendments and remarks filed on 8/11/2004. Applicants' amendments to claims 1 and 8 have been entered.
- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 3. Rejections not maintained are withdrawn. In particular, upon reconsideration, the Examiner now withdraws the objection in section 5 of Office action dated 4/14/2004. However, in view of the copending U.S. Application No. 09/431,849, new grounds of rejection is stated as follows.

Terminal Disclaimer

4. The terminal disclaimer filed on 8/11/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending U.S. Application No. 09/431,849 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections – 35 USC 103

- **5.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US 5,385,783) in view of Sakumoto et al. (US 5,683,806) further in view of Leeuwenburgh (U.S. 5,935,669).

Patel discloses a high temperature resistant masking tape comprising a paper substrate, a release coat on one surface of said paper, and an adhesive on the other surface of said paper (abstract; col. 2, lines 1-5) comprising a maximum heat resistance of 165°C (specification, col. 1, line 23) and a tape comprised of conventional crepe paper (specification, col. 1, lines 59-60). The reference discloses a tape that is rolled up on a core (specification, col. 1, line 42). Patel does not disclose a film. While Patel does not disclose a specific width or thickness for the adhesive tape, he does state that the tape can be prepared into predetermined widths and lengths. Patel does not disclose that the masking film is folded or a polyolefin film.

Sakumoto teaches an adhesive tape comprising a heat resistant base film and a protective adhesive layer laminated on at least one surface of said base film (abstract, col. 2, lines 1-3). This protective laminated adhesive layer can be made out of polyolefin, such as polyphenylene (specification, col. 1, line 21). Sakumoto teaches that the protective layer has a thickness of from 1 to 200μm (specification, col. 2, line 54-55).

Patel and Sakumoto are analogous art because they are from the same field of endeavor, that is masking tape. At the time of the invention, it is obvious to a person of ordinary skill in the art to combine the protective laminated adhesive layer of

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Sakumoto with the adhesive layer of Patel in order to provide protection for the adhesive layer of Patel so it would not lose its bonding properties. Neither reference teaches the masking film being folded or the masking film extending beyond said second edge of the masking paper.

Leeuwenburgh teaches a cover sheet folded with extending folds protruding beyond the other folding layers, an adhesive tape being fastened along the longitudinal edge portion (abstract) where the folded material is rolled (column 1, lines 64-65). Although Leeuwenburgh does not explicitly teach his cover sheet is a masking strip, it comprises the same materials and has the same function as applicants claimed masking strip, absent any evidence to the contrary. All the references are analogous art because they are from the same field of adhesive tapes. It would have been obvious to one of ordinary skill in the art to fold the masking strip of Patel leaving extended portions because Leeuwenberg teaches this is a conventional practice within the art and the extended portion can be used to adhere the strip to various surfaces.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V5C

Victor S Chang Examiner Art Unit 1771

8/24/2004

TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700